

Message Text

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TO SECSTATE WASHDC 1879

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TAGS:CASC, MX

SUBJ: CASE REVIEW OF ALL AMERICAN PRISONERS IN MEXICO:

(MILLARD, PHILLIP STEWART)

REF: STATE 194199

1. CONSULAR ACCESS: EMBASSY FILES INDICATE IT WAS ADVISED OF MILLARD'S ARREST ON NOVEMBER 16, 1973, ONE OR TWO DAYS AFTER ARREST. APPARENTLY ON NOVEMBER 23, EMBASSY RECEIVED NOTE OF THAT DATE FROM MILLARD REQUESTING HIS PARENTS BE INFORMED AND GIVING PHONE NUMBER. CONOFF CALLED HIS MOTHER SAME DAY. IN STARK MATERIAL, MILLARD SAID HE HAD BEEN HELD INCOMMUNICADO FOR 72 HOURS PLUS 2 TO 3 DAYS. CONOFF INTERVIEWED MILLARD NOVEMBER 28. STARK MATERIAL INDICATES FAMILY NOTIFIED OF ARREST ON NOVEMBER 17 BY ONE JOSE OCHOA AND THAT MILLARD ALSO CALLED HOME ON NOVEMBER 22.

2. MISTREATMENT AT TIME OF ARREST: IN UNDATED STARK QUESTIONNAIRE, MILLARD'S MOTHER ALLEGED QUOTE BEATINGS, PUNCHES ABOUT FACE, THREATS OF ELECTROUCTION, ONE CONTACT LENS KNOCKED OUT OF EYE & LOST, LEFT EYE BLODDY, THROBBING, EXAMINATION DENIED UNQUOTE. EMBASSY FILES CONTAIN NO COMPLAINT FROM MILLARD RE ALLEGED MISTREATMENT UNTIL CONSULAR VISIT SEPTEMBER 12, 1974, WHEN HE STATED QUOTE MY RIGHTS HAVE BEEN VIOLATED. I WAS PHYSICALLY ABUSED, I WAS NOT REPRESENTED BY UNCLASSIFIED

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ATTORNEY AT MY TRIAL UNQUOTE. AT THAT DATE AND

NOW, THERE APPEARS NO MEANS OF INVESTIGATING COMPLAINT.

3. FORCED CONFESSION: IN STARK QUESTIONNAIRE ENTITLED DENIAL OF RIGHTS UNDER MEXICAN LAW, ITEM QUOTE TORTURE USED TO FORCE CONFESSION UNQUOTE WAS CHECKED. HIS PRESUMABLY REFERS TO MATTER COVERED PARA 2 ABOVE.

4. POSSIBLE EXTORTION BY ATTORNEY: IN STARK MATERIAL MILLARD'S MOTHER ALLEGED THAT VICE CONSUL TREMBALY RECOMMENDED PABLO SOTOMAYOR. NOTE FROM MILLARD DATED NOVEMBER 23 (PARA 1) STATED QUOTE I HAVE AUTHORIZED MR. PABLO SOTOMAYOR TO RECEIVED TO HIS BANK ACCOUNT THE SUM OF \$5,000 AMERICAN DOLS FOR MY DEFENSE UNQUOTE. SINCE THIS NOTE WAS FIRST CONTACT WITH MILLARD, IT IS CLEAR THAT TREMBLAY WAS MERELY RELAYING MILLARD'S MESSAGE AND NOT RECOMMENDING SOTOMAYOR. MRS. MILLARD QUOTES HIM IN STARK MATERIAL AS SAYING THAT QUOTE PABLO IS YOUNG AND KNOWLEDGABLE - SOME PEOPLE THINK HE IS PUSHY UNQUOTE, AND IN LETTERS TO PRESIDENT FORD AND CONGRESSMAN JACKSON ALLEGED THAT CONOFF SUBTLY COMPLIMENTED SOTOMAYOR, MENTIONING THAT HE WAS ON EMBASSY'S QUOTE PREFERRED LIST UNQUOTE. SOTOMAYOR WAS ON EMBASSY'S LIST OF ATTORNEYS AT TIME BUT WAS REMOVED AT END 1974. HE IS PRESETLY AMONG QUOTE COYOTE UNQUOTE ATTORNEYS BEING INVESTIGATED BY MEXICAN GOVERNMENT. STARK MATERIAL AND EMBASSY FILES CONTAIN ALLEGATIONS THAT SOTOMAYOR DID NOTHING TO EARN \$4500 HE WAS PAID. EMBASSY WILL DISCUSS MATTER WITH MILLARD TO DETERMINED FEASIBILITY OF PROCEEDING AGAINST SOTOMAYOR.

5. GENERAL: MILLARD HAS MADE NUMEROUS GENERAL COMPLAINTS ABOUT MEXICAN JUSTICE AND PRISON CONDITIONS, MANY OF THEM NOT REFERRING TO HIS OWN CASE. IN JUNE 1975, HE REQUESTED REVIEW OF HIS CASE BY EMBASSY, AND CCS CHIEF DISCUSSED IT WITH PRESENT LAWYER, FRANCISCO RIVERA DUARTE, THE FOLLOWING MONTH. AS RESULT, RIVERA HAS SUBMITTED AMPARO TO SUPREME COURT ALONG SAME LINES AS RECENT SUCCESSFUL AMPARO CASE OF AUSTRALIAN ALAN JOSE, BASED ON THESE THAT MILLARD DID NOT INTEND TO IMPORT COCAINE INTO MEXICO, BUT WAS HERE ONLY IN TRANSIT.
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